

TOWN OF WEBSTER
Office of Selectmen
945 Battle Street/Rte. 127
Webster, NH 03303

7:07 P.M. Selectmen's Meeting – March 7, 2011

Present: Chairman David Klumb, Selectman George Hashem and Selectman George Cummings.

The Board signed the payroll and check manifests.

Chairman David Klumb introduced newly elected Senator Andy Sanborn who advised he wanted to meet to discuss what was or wasn't working for the folks of Webster in order that he may better represent folks. He came specifically to talk about a piece of legislation he has introduced which will allow anyone who buys a new/used car to register it at the dealership and other issues including cost shifting. He realizes his proposal is a big change for the State, deviating from the norm of registering with the Town Clerk. This legislation will allow a one-year test period for this new process, noting that virtually every other state allows one to register the car where bought or, as in the case of 25 states, registration is done electronically. The plan is to bring cities and towns together with software companies, one known as ADP, and a select number of car dealerships together to create a software package to allow for this new convenience. The funds due to the communities would then be ACH'd to the community at no cost to the community. In a year, if the program is successful, all the auto dealers would pay to maintain the software. Audience questions: would it be mandatory? No – it will always be voluntary. Are there fees? Yes, there will be a charge of \$15-\$25 to be paid to the electronic company for the service if one so chooses. The incentive? Currently there is no traceability of the 20-day plates issued, so this process will help the law enforcement agencies to know to whom these plates are registered, and help with identifying one's residency if one participates. The entire program will enable a select group to come together to create a program that will be voluntary. This will allow complete separation of funds between the municipalities and the State. Also, one will be allowed to include the registration into the financing if one so chooses. Why would auto dealers want to participate if there is nothing in it for them? Senator Sanborn advised that there is something for them in the convenience and the profit the dealer makes on the interest rate. He expressed concern that the auto dealers would not immediately have the availability of the metal plates, but may in the future. He advised that he can present/create legislation only during a six-week window annually, this year it was November to December. Regarding the process of the introduction of legislation, he explained that the Senate hears it in public hearings from January to March. If passed, the legislation passes over from the House from March until June; if approved in the Senate and the House and the Governor signs it, it becomes law in June. He advised that every single law or bill must have an up or down vote through the whole house and the whole senate, whereas most other states allows the chairman of a committee to make decisions. It was commented that not all material is read by all members of the house and senate. Senator Sanborn is on three committees: 1) Commerce – about businesses; 2) Capital Budget – wherever the State borrows funds to build facilities; and 3) HHS – which oversees Health and Human Services. He advised that if something comes to a full vote, he reads every piece and will continue to do so.

Chairman Klumb questioned the telephone tax exemption bill, noting that they are a for profit business like cable, etc. indicating that they should not receive special treatment. Senator Sanborn advised that in 1973 the Legislature talked to the phone companies, advising that each pole is real estate property and should be taxed as such as should the conduits. The Communications Tax was created in 1973, which gave the telephone lines an exemption from the real estate tax, even though the power companies would pay on those lines. Every two years since then, the exemption has been extended. Two years ago it was not extended; therefore, it is up for taxation. He advised that the State collects \$42 million on the Communications Tax in order to not pay the real estate tax. It is expected that if the real estate tax passes, then individual phone bills will increase. He explained that it costs \$2,000 to erect each pole, then this is depreciated over time. He questioned the Mayor of Concord as to how much they would gain in taxes. The Mayor indicated it would be \$55,000 and questioned whether it was worth the hassle of "putting that on the people". Senator Sanborn said that he has taken no position yet, asking how the folks here would want him to represent them as that it what he would do. Chairman Klumb's feeling was that the State needs more money, noting that as costs down shift to the municipalities, the municipalities need to make that up, noting that the phone companies may raise rates, but that there is much more competition for them than in the past with cell phones, etc. Selectman Hashem wanted more transparency in taxes, whatever it is. Selectman Cummings noted that it was taxes or fees, noting that downshifting translates into increased property taxes referring to the recent School Board Meeting and potential State cuts to Education and how that might affect municipalities. Senator Sanborn again explained that the Governor presents his budget in February for a two year period, the house makes a budget to be presented next week and the Senate brings both of them together by the end of June. He gave a short history of how the New Hampshire Retirement System began in the 70's. It was supported by the State at 40% then, saying that this year the Governor is proposing that the State pay 25% of the retirement costs. He indicated that it could drop to 0% without warning. He talked about communities paying their own retirement and education and didn't disagree, but felt that cuts should be phased in. He advised that the State has an \$800 million dollar shortfall, noting that towns generally run efficiently and that any cuts are going to hurt.

Further comments were made on the registration proposal. Again, Senator Sanborn reiterated that he wants to modernize the State. He again referred to the retirement system, advising that this afternoon the senate and its sub-committee passed a bill that made changes to the system, explaining the two parts, which are medical and the main retirement system, with both having serious shortfalls. He talked about the changes and challenges being proposed. There were many comments from those present. He talked about the evergreen clause recently being repealed, noting that this will not be mandated.

BOS Initials:

D. E. Klumb

G. K. Hashem

G. C. Cummings

Senator Sanborn provided his cell phone number – 682-1165 and his e-mail address senatorsanborn@gmail.com and invited anyone to contact him. He will send out updated information to anyone who wants to be on his contact list. He would like to come to a Board meeting every quarter, noting he represents 19 towns. He again explained that bills were written from November to December, the Senate is heard from January to March through its sub-committee; it then goes to the floor of the Senate; then to the House. All bills have to be done by March 31st at which time it goes to the Governor's desk, where the Governor either signs it or not, indicating that everything has to be done by June 23rd. Selectman Cummings noted that if things don't mesh then things go to a conference committee and those results wouldn't be ready until June 30th. Senator Sanborn referred to the school funding and something called a collar whereby the educational funding level to the communities will be the same this year as last. A new formula will then be worked out tying the number of students to the amount provided to communities. At the same time, a constitutional amendment is being worked on, explaining that it would have to pass the House and the Senate with 66% of the vote and then onto the ballot with 66% of the voters in the State having to agree. The Board then thanked him for his time.

The Board minutes of February 22, 2011 were discussed. Selectman Cummings proposed an amendment to page 2, paragraph 3, last sentence to change from: "He then noted that the only precedent that had been broken was in regards to the ex-officio Selectman member of the Board and the rotation thereof, noting that there is an RSA that allows the Selectman member to stay on the Planning Board until that Selectman's term expires."

To: "He then noted that the only precedent that had been broken was in regards to the ex-officio Selectman member of the Board and that the rotation thereof was illegal. The yearly rotation of new selectmen onto the planning board that had always seemed like a good idea was against the law and the selectman appointed was supposed to be on the board for the duration of his elective term and that's what was being done now. Selectman Hashem noted he had known about that law for quite awhile and that now a lot of people in the room were enlightened."

It was decided to table the minutes in order to insert the above amendment to the minutes of February 22, 2011.

The Board approved a Veteran's Tax Credit.

The Board signed the following for Financial Administrator Wendy Pinkham:

- Purchase Order #3 for the Fire Department to Zoll Medical Corp. for a maintenance contract in the amount of \$495; and
- Purchase Order #4 for the Highway Dept. to E.W. Sleeper for a plow piston in the amount of \$875.87

Police Chief Robert Dupuis presented the semi-monthly report showing 31 calls for service, pointing out the highlights. He received a thank you letter from a victim of domestic violence last year, as the case has just been through the courts, thanking the Department for the professional way the case was handled.

Fire Chief Colin Colby advised that there were 34 calls to date, giving a breakdown of the calls. He advised that at the February business meeting, Chairman of the Business Sign Committee Emmett Bean, presented the Department with a new sign for the Department made by Pooch Baker of Warner. This is a handcrafted sign, taking over 37 hours to craft, advising that an unveiling ceremony is planned in the spring when the sign will be put in place. He advised that 2011 is the year that Webster will host a mutual aid drill. This will be a second or third alarm drill and is scheduled for Sunday, May 1st. He advised that Zoll had checked over the defibrillator which would require about \$4,000 in repairs, but decided to put the old unit back into service at this time, and address the needs later. He noted that the unit bought from Hopkinton was supposedly completely refurbished, but has concerns over the ongoing repairs needed. They spent \$3,000 last year on repairs, and now are facing yet another repair. A new unit is about \$22,000. When questioned about the license of the unit, he advised that it was properly licensed.

Treasurer Mary Welch advised that she was all set. Chairman Klumb thanked her for her years of service to the Town as she is not seeking another term.

Road Agent Emmett Bean advised that the roads will be posted soon. He has been hauling in sand, salt has been delivered and the rain created some issues.

Roy Fanjoy wanted to address corrections to be made regarding statements made at the Board's meeting two week ago regarding the moving of Planning Board members from alternate to full membership. Former Selectman David Batchelder said that only one PB member had been so advanced. Mr. Fanjoy was concerned that the statement made was incorrect so he came to the office to review the Town Reports from 1970 to the present. He found seven alternates that had been moved to full membership, not including Tom Mullins. He also discussed the ex-officio membership of the Planning Board, as referenced on a May of 2010 Annual Conference handout, as allowed by Statute whereby it allows for the ex-officio, the Selectmen, to serve for four months, one year or the full term of his elected office. In his review of the annual reports he noted that only one Selectman, Lynn Marie Lehmann, had stayed in for longer than a one-year term. Selectman Cummings reiterated that the law allows for a one year or four month term as well. Selectman Hashem indicated that it would be so if specified when the ex-officio member is appointed. Mr. Fanjoy agreed that it was up to the Board, he then questioned the alternate for the ex-officio Selectman member, noting that this position was not listed in the Town Reports. Mrs. Jones noted that she had never put the ex-officio Selectman member in the listing of the Planning Board Members. Selectman Hashem advised that it was Emmett Bean at this time. Selectman Cummings noted that in September of 2009, it was suggested at the PB Meeting that a second alternate for BOS Initials:

D. E. Klumb

G. K. Hashem

G. C. Cummings

the Selectman be appointed due to recent absenteeism at that time. Selectman Cummings noted that historically, the ex-officio member had been rotated though he did not know when or how that began, noting that Selectman Hashem was on for a one-year term and was reappointed last year to a second term. He was curious why Mrs. Lehmann stayed longer than one year. Mrs. Jones recalled that it was due to health reasons of the other Board members.

Road Agent Bean expressed concern over a large dead pine tree at the pump site on Long Street near Beaver Dam Drive, worried that it will come down on somebody at the pump site. Selectman Cummings said that it could be taken down as a matter of public safety. Mr. Bean noted that it was on a State road. Mrs. Jones was requested to call the owners of the property and then the State to see what might be done.

The Board has received recommendations from the Planning and Zoning Board Chairman regarding those appointments to be made by the Selectmen for those whose terms expire on 3/31/11.

Two applications for the position of Planning/Zoning Secretary have been received to date. The closing date for applications is 3/15/11.

The Board will meet at the office of Town Counsel on 3/14/11 at 9:30 am regarding an issue on Route 103. This meeting will include the Warner Board of Selectmen.

The Board will meet on 3/16/11 with the Salisbury Board at 6:30 pm to discuss possible combining of emergency services. Selectman Hashem will not be available.

Selectman Hashem called Town Counsel regarding the question of keeping recordings of the meetings. Chairman Klumb read the e-mail received from Town Counsel as follows: "Taping meetings is helpful when compiling minutes. Once the minutes are complete and approved, I recommend that they be recycled. Such is consistent with supreme court decision in Brent v Paquette. Based on my experience, I believe this to be the sounder practice." Selectman Hashem agreed that was what was told in the past. Selectman Cummings did not disagree, noting that the issue was more for transparency and that keeping the recordings was the practice of other communities nearby. He was also in the hopes of discussing the issue with Town Counsel in person to inquire if there was any risk in keeping the recordings, regardless of case law. Selectman Hashem noted that he asked for the opinion in writing as it had been requested several times, advising that he felt that the transparency needed to be weighed against potential negative use.

Mrs. Jones will send another letter for collection of an outstanding fee, advising that a lien will be placed on the property unless paid by a two week deadline. If uncollected, the Fire Marshall can be contacted for a resolution as well. The process for collection of fees used was discussed. Selectman Hashem recommended that the fee be collected prior to the inspection from now on, to which the Board agreed.

The Board approved a revised employment application.

The Board agreed that the "Protest Petition" will be posted and read by the moderator at the opening of the elections tomorrow. The following will be indicated at the bottom of the posted petition: "Based on advice of Town Counsel, the protest petition received by the Town is invalid."

Mrs. Jones will make arrangements for the return of the map of the Town left by Central NH Regional Planning. The requested that those locations in Town that do not have DSL service be marked.

Kim Fortune requested permission to link the Town's website to a new website she has created known as Webster2Webster.com. The Board was unaware of any restrictions to link to the official Town website.

8:46 P.M. Selectman Hashem made a motion to go into non-public session pursuant to RSA 91-A:3 II (a) to discuss personnel issues with Police Chief Dupuis; seconded by Selectman Cummings. Roll call: Chairman Klumb – yes; Selectman Hashem – yes; and Selectman Cummings – yes.

8:55 P.M. Chairman Klumb reconvened the meeting. He advised that the Board did not vote to seal the minutes. They discussed the Police Chief's vacation hours. He provided minutes of this meeting as follows: "Included in the meeting were Selectman Klumb, Hashem and Cummings and Chief Dupuis. We discussed the Chief's vacation time used for 2010 and 2011. We all agreed on the hours used and accrued."

8:56 P.M. Selectman Hashem made a motion to go into non-public session pursuant to RSA 91-A:3 II (a) to discuss personnel issues and pursuant to RSA 91-A:3 II (c) to discuss an issue that "...would likely affect adversely the reputation of any person,..."; seconded by Selectman Cummings. Roll call: Chairman Klumb – yes; Selectman Hashem – yes; and Selectman Cummings – yes. Only the Board attended at this time. Chief Dupuis was later asked to join. After he left, Mrs. Pinkham, Mrs. Jones and Tax Collector Karen King were asked to join.

BOS Initials:

D. E. Klumb

G. K. Hashem

G. C. Cummings

9:42 P.M. Chairman Klumb reconvened the meeting. He advised that initially they discussed personnel issues and voted to seal those minutes. They then discussed a Timber Tax issue and voted to seal those minutes. Chairman Klumb advised that he will write the minutes from the first non-public session that were not voted to be sealed and Selectman Hashem will write those from the second non-public session that were voted to be sealed minutes. Mrs. Jones will write the minutes for the second portion of the second non-public minutes that were voted to be sealed.

Selectman Hashem then read the following prepared statement:

“There has been much talk about the anonymous letter many residents have received.

The Board should not investigate an anonymous complaint that cannot be substantiated. The Board does not have jurisdiction in a school district issue. However, the letter alleges there are residents who will not report unfair or unwarranted treatment by employees of this town out of fear.

The Board has the responsibility to investigate all complaints; however, the Board cannot investigate and resolve issues of which it has no knowledge.

Any person who feels they have received unfair or unwarranted treatment by any employee of the town should send their complaint to the Board. The complaint will be held in confidence. A written complaint must include a name and phone number for verification, or the complaint may be made in person.

The complaint will be discussed in a non-public session. Pursuant to RSA 91-A:3 II (c), if an issue involves a situation which, if discussed in public, would likely affect adversely the reputation of any person, it must be discussed in a non-public session.

Under penalty of law, each member of your Select Board is individually and personally responsible to maintain the confidentiality of every issue discussed in a non-public session. This protects both the complainant and the town employee.”

He noted that he thought that people had the right to feel comfortable that every Board member works for everyone and that they can voice their complaints and have a place to do so. Kim Fortune inquired as to who wrote the letter. Selectman Hashem advised that he did.

9:47 P.M. Selectman Cummings made a motion to adjourn; seconded by Selectman Hashem and approved.

David E. Klumb, Chairman

George K. Hashem

George C. Cummings

BOS/jj